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Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 24 January 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 15 to 21 January 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-21912 (E) 280108 280108

Annex to the identical letters dated 24 January 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 15 to 21 January 2008, inclusive

Air violations

On 15 January 2008, at 2220 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace; it entered over the sea off Naqurah, proceeded as far as Beirut, circled over the areas of Beirut, Damur and the South, and then left at 0100 hours on 16 January 2008 over the sea off Naqurah.

On 17 January 2008:

- Between 0800 and 1130 hours, an Israeli enemy reconnaissance aircraft overflew the Nabatiyah area at high altitude;
- Between 0830 and 1150 hours, Israeli enemy warplanes overflew the areas of Naqurah, Bint Jubayl and Tibnin at high altitude;
- Between 2023 and 2143 hours, two Israeli enemy warplanes violated Lebanese airspace; they entered over Yarun heading north, proceeded as far as Beirut, circled between Beirut and the South, then left over Naqurah.

On 19 January 2008:

- Between 1200 and 1800 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace; it entered over Alma al-Sha'b, circled over the regions of Beirut, the Bekaa and the South, then left over Alma al-Sha'b;
- At 2159 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace; it entered over the sea off Naqurah, circled over the regions of the South, then left at 0055 hours on 20 January 2008 over Alma al-Sha'b.

On 20 January 2008:

- Between 1230 and 1325 hours, Israeli enemy warplanes overflew the Naqurah, Tibnin, Zahrani and Tyre areas at various altitudes, breaking the sound barrier over the Zahrani and Tyre areas;
- Between 1140 and 1300 hours, an Israeli enemy reconnaissance aircraft overflew the areas of Naqurah and Tibnin;
- Between 1855 and 2210 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace; it entered over the sea off Tyre heading east, proceeded as far as Marj 'Uyun, circled over the regions of the South, then left over Alma al-Sha'b.

On 21 January 2008:

- Between 1033 and 1300 hours, two Israeli enemy warplanes violated Lebanese airspace; they entered over the sea off Naqurah, circled over all regions of Lebanon, and then left over Kafr Kila. Those planes were met with fire from anti-aircraft artillery of the Lebanese Army (*lam mim* 6);

- Between 1230 and 1315 hours, four Israeli enemy warplanes violated Lebanese airspace; they entered over the sea off Tyre, circled between Beirut and the South, and then left over Naqurah. Those planes were met with fire from anti-aircraft artillery of the Lebanese Army (*lam mim* 6);

- Between 1709 and 2100 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace; it entered over the sea off Tyre heading east, circled over the regions of the South, then left over the sea off Naqurah.

Sea violations

None.

Acts of aggression in the field

On 17 January 2008, at 0320 hours, Israeli enemy forces directed a searchlight mounted on a Hummer vehicle for 15 seconds towards position *lam mim* 6 at Jabal Balat as they were moving between *ghayn* 23 (Birkat Risha) and *ghayn* 33 (Jabal Bu Dajaj).

On 18 January 2008, at 1000 hours, in the Maysat area along the course of the Wazzani River/Hasbayya, an Israeli enemy patrol kidnapped Ja'far Mustafa. At 1850 hours, the Israeli enemy released him in the same area.

On 20 January 2008:

- At 0020 hours, the Israeli enemy shined a searchlight for 5 minutes from its position *ghayn* 41 (Tall al-Rahib) towards the town of Ayta al-Sha'b;

- At 1530 hours, opposite the Ruwaysat al-Hadab position of the Lebanese Army (*lam mim* 6), an Israeli enemy patrol comprising three Hummer vehicles stopped at point BP12, where elements of that patrol alighted and spread out in the woods. A MAG machine-gun was directed from one of those vehicles towards the aforementioned position. The elements of the position increased their level of observation and alertness and took precautionary measures. The enemy elements and vehicles left at 1555, heading towards point *ghayn* 36 west of Khillat Wardah. At 1610 hours, as a truck belonging to the Lebanese Army (*lam mim* 6) passed along the road leading to the centre of Ruwaysat al-Hadab, enemy elements took up a fighting position at point *ghayn* 41 (Tall al-Rahib), pointing their weapons at the aforementioned truck;

- At 1820 hours, an Israeli enemy patrol comprising three Hummer vehicles left point *ghayn* 23 (Birkat Risha). When the said patrol arrived at Tarbikha gate, east of point *ghayn* 28 (south of Marwahin), some of its elements alighted. When those elements left at 1835 hours, they shined the searchlights mounted on their vehicles for 10 seconds towards the Marwahin triangle.

On 21 January 2008:

- At 0459 hours, the Israeli enemy shined a searchlight for one minute from the western gate of the Zar'it barracks (*ghayn* 30) towards the Marwahin triangle;

- At 2249 hours, from inside occupied Palestinian territory, Israeli enemy forces at the Zar'it barracks, opposite the town of Marwahin, directed a searchlight for 10 seconds in the direction of the Marwahin triangle.

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The situation in the Middle East

Question of Palestine

Security Council
Sixty-third year

Letter dated 24 January 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of the Republic of Cuba, dated 23 January 2008, regarding the recent escalation of aggression by Israel against the Palestinian population, particularly in the Gaza Strip (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Rodrigo Malmierca **Díaz**
Ambassador
Permanent Representative of Cuba to the United Nations

08-21944 (E) 300108 300108

Annex to the letter dated 24 January 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Cuba

The Ministry of Foreign Affairs of the Republic of Cuba has followed with great concern the recent escalation of aggression against the Palestinian population by the Government of Israel, which has led to dozens of deaths and injuries.

The Ministry of Foreign Affairs finds the encirclement of the Gaza Strip and the cutting off of electricity and food supplies to a million and a half Palestinian civilians unacceptable and criminal as well as a flagrant breach of international law and of the 1949 Geneva Conventions.

The Ministry of Foreign Affairs of the Republic of Cuba vigorously condemns these acts by the Government of Israel, which are designed to annihilate and subjugate through starvation and thirst, the Palestinian people, including children, women, the sick and the elderly, who are suffering from the forced and illegal occupation of their territory and are now being subjected to further inhuman collective punishment by the occupying forces.

The Ministry of Foreign Affairs of the Republic of Cuba demands that the Government of Israel should immediately lift the inhumane blockade imposed on the Gaza Strip. It also calls upon the international community to mobilize for the purpose of demanding respect for the inalienable rights of the Palestinian people, including the establishment of an independent and sovereign State with East Jerusalem as its capital, and the unconditional return of the Arab territories occupied since 1967, as the only way to achieve a just and lasting peace for all the peoples in the region.

Havana
23 January 2008

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Agenda item 22
Question of Cyprus

Security Council
Sixty-third year

Letter dated 25 January 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 25 January 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

08-22172 (E) 010208

Annex to the letter dated 25 January 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the representative of the Greek Cypriot administration to the Third Committee on 31 October 2007 (see A/C.3/62/SR.33), under agenda item 70 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", which contains false allegations against the Turkish Republic of Northern Cyprus. Since the Greek Cypriot side is habitually utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is denied lawful representation, I am compelled to respond, once again, in writing in order to put the record straight.

Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and to portray the Cyprus problem as one of "invasion" and "occupation", while disguising the torment and unjust isolation inflicted on the Turkish Cypriot people. The restrictions imposed by the Greek Cypriot side violating the basic human rights of Turkish Cypriots in various fields, such as the rights to freely trade and travel, participate in worldwide sports, cultural events and educational schemes, such as the Bologna Process, are continuing and efforts to rectify this situation by various parties are still impeded by the Greek Cypriot side. A case in point is the incessant efforts of the Greek Cypriot administration directed towards Syria with the aim of halting the ferry services which have begun between the ports of Famagusta, Turkish Republic of Northern Cyprus, and Latakia, Syria.

None of the United Nations resolutions to which reference is made in the above-mentioned statement describe the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974 (see S/PV.1780), in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek Cypriot coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

The years from 1963 to 1974, which my Greek Cypriot colleague chooses not to mention, were a period in which the Greek Cypriots, aided and abetted by Greece, practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, the United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern* (p. 64), that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots"; and from the

United Nations Secretary-General himself, who, in his report to the Security Council of 10 September 1964, stated that the Turkish Cypriots were living under "veritable siege" (see S/5950, para. 222). The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

As you would recall, the most recent effort, namely the Annan Plan, failed yet again as a result of the Greek Cypriot rejection. The Plan was submitted for the approval of the two sides through separate referendums on 24 April 2004. Despite the significant sacrifices it entailed for the Turkish Cypriot side, the Turkish Cypriot people approved the Plan by 65 per cent of the vote, whereas 76 per cent of the Greek Cypriot people overwhelmingly rejected the Plan in line with the call made by the Greek Cypriot leader, Tassos Papadopoulos, in a television address on 7 April 2004, where he demanded a "resounding no" from the Greek Cypriots.

The results of the referendums have shown which side is for a solution and which side is for the continuation of the present situation. The rejection by the Greek Cypriot side of the Plan, however, also resulted in an unjust situation. The Greek Cypriot side, which voted against a solution, joined the European Union on behalf of the whole of Cyprus, and the Turkish Cypriot side, which voted for a settlement, not only remained outside EU but continues to be subjected to isolation and restrictions. In fact, the Secretary-General of the United Nations, in his report to the Security Council of 28 May 2004 (S/2004/437, para. 90), pointed to this injustice and declared that the Turkish Cypriot "*vote has undone whatever rationale might have existed for pressuring and isolating them*".

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot administration, which chose to categorically reject the Plan, still has the audacity to complain about the so-called "violation of human rights concerning the property issue", the "Turkish military presence on the island" and other matters. In this regard the Secretary-General's observation is important:

> *"The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been foregone."*
>
> (Secretary-General's report of 28 May 2004, S/2004/437, para. 83)

Contrary to the Greek Cypriot representative's allegations, the history of human rights violations in Cyprus goes back a long time. Parallel to that, the issue of "refugees" or displaced persons came about when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963, when they had to flee for their lives as a result of the Greek Cypriot onslaught. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek coup d'état and its aftermath. It is equally true, however, that the question of

displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held at Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus.

With respect to the so-called "enclaves" in the Turkish Republic of Northern Cyprus, I wish to recall that the term "enclaved" was first used by the Secretary-General of the United Nations to describe the plight of the Turkish Cypriots between 1963 and 1974, who had been squeezed by the Greek Cypriots into small pockets scattered around the island. The total area of the Turkish Cypriot enclaves was a mere 3 per cent of the territory of the island. Since 1974, the Greek Cypriot side has attempted to hijack this term to misrepresent the living conditions of the Greek Cypriots and Maronites residing in the Turkish Republic of Northern Cyprus, for purely propaganda purposes.

One should note that the Greek Cypriots and Maronites enjoy the same, if not better, standard of living as the Turkish Cypriots of the same area. This has been confirmed in your predecessor's report of 10 June 1998 to the Security Council (S/1998/488, para. 22), wherein it is stated that "the standard of living of Greek Cypriots on the Karpas Peninsula does not differ significantly from that of Turkish Cypriots living in the same area".

One of the most fundamental issues in the Cyprus question is the property issue. The property issue in Cyprus did not come about in 1974 but first arose in 1963, when the Turkish Cypriots were forced to abandon their homes at gunpoint and took refuge in what came to be known "Turkish Cypriot Enclaves". It should be stressed that it is not only the Greek Cypriots who left immovable property in the North but also the Turkish Cypriots who had to abandon a considerable amount of property in the South as well, most of which was confiscated by the Greek Cypriot administration, leaving no possibility for restitution and/or compensation for the Turkish Cypriots for the use and enjoyment of their properties. Instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, the Greek Cypriot side has over the years encouraged recourse to the European Court of Human Rights in a bid to carry the issue to the European platform. As in the case of *Apostolides v. Orams* (para. 13), the Greek Cypriot side's unilateral accession to the European Union has presented it with the opportunity to further complicate the issue of property rights by encouraging recourse to courts in the South against those buying or selling property in the North. Given the fact that the Greek Cypriot side does not have jurisdiction over the Turkish Cypriot side, it is clear that judgements issued by the Greek Cypriot courts cannot be executed in the North.

In the absence of cooperation from the Greek Cypriot side, since June 2003 the Turkish Cypriot side has been taking unilateral steps aimed at providing domestic legal remedies to the concerned parties. In this connection, taking into account the admissibility decision of the European Court of Human Rights of 14 March 2005 and its judgement of 22 December 2005 on the merits of the *Xenides-Arestiis v. Turkey* application, the law entitled "Law for the Compensation, Exchange and Restitution of Immovable Properties (Law No. 67/2005)" was enacted in North Cyprus in December 2005. This law envisages compensation, exchange and restitution for movable and immovable properties located within the boundaries of the Turkish Republic of Northern Cyprus which were possessed by the Greek

Cypriots before 1974 and were abandoned thereafter. In accordance with this legislation, the Immovable Property Commission was established on 22 March 2006, the mechanism of which is entirely based on the comprehensive guidelines suggested by the European Court of Human Rights. The Commission, which comprises seven members, two of whom are internationally renowned personalities of non-Turkish descent, has the status of a court and its decisions are binding and implemented just as the decisions of the judiciary.

It must be noted in this context that the reaction of the Greek Cypriot administration to the establishment of the Immovable Property Commission has not been encouraging; that administration has threatened to take legal action against potential applicants. Sadly, the Greek Cypriot authorities are attempting to undermine an effective legal instrument which conforms fully to relevant international norms. It is noteworthy in this regard that the very recent *Turkey 2007 Progress Report*, published by the Commission of the European Communities on 6 November 2007 (SEC(2007) 1436, p. 25), notes the following:

> "In its follow-up decision of December 2006, the Court [ECHR] accepted, in principle, the Immovable Property Commission established by the Turkish Cypriot Community as a legitimate domestic remedy."

As to the well-known allegation of "destruction of cultural property", I would like to reiterate once again that the protection of cultural heritage is of great importance to the Turkish Cypriot people, and the Turkish Cypriot authorities are doing everything with their limited means for the restoration and preservation of the cultural wealth in the North. No doubt, much more could be done with international financial support. It is a sad irony that the Turkish Cypriot people are heavily criticized for not taking sufficient care of the cultural heritage in the North, when international organizations or private bodies entrusted for the financial assistance in this field have been prevented by the Greek Cypriot administration from taking an interest in or providing assistance to the North. The protection of cultural heritage should not be held hostage by the political situation on the island, for which Turkish Cypriots cannot be held responsible. Furthermore, it should be recalled that there are many Turkish-Muslim cultural monuments, including mosques, baths, fountains and cemeteries, in the Greek Cypriot side that are in very bad condition owing to rough handling, negligence and wilful destruction.

In conclusion, I would like to reiterate the Turkish Cypriot side's firm commitment to the comprehensive settlement of the Cyprus problem under the auspices of your good offices mission and on the basis of the United Nations Settlement Plan.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 22, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

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The situation in the Middle East

Question of Palestine

Identical letters dated 28 January 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write in connection with the letter dated 17 January 2008, from the Permanent Representative of Cuba to the United Nations, on behalf of the Coordinating Bureau of the Non-Aligned Movement, addressed to the Secretary-General (A/62/652-S/2008/28).

The Non-Aligned Movement's condemnation of the recent situation in the Gaza Strip and its pointed blame of Israel demonstrate a failure to adequately understand the realities on the ground. In 2005, Israel disengaged from the Gaza Strip with the hope that the Palestinian Authority would govern the area responsibly. Regrettably this did not happen, and more than 4,200 Qassam rockets and mortar shells have been fired by Palestinian terrorists in Gaza at the civilian population in southern Israel since then.

Palestinian terrorism, stewarded by Hamas in the Gaza Strip, makes security measures in the area a necessity in order to adequately protect Israeli civilians. Hamas cynically fires on border-crossings, forcing closures and hampering the efforts of Israel and the international community to deliver humanitarian aid and relief. Recently, Hamas has even attempted to smuggle explosives and weapons materiel into Gaza using humanitarian convoys. Moreover, Hamas diverts fuel from domestic generators to produce Qassam rockets. In contrast, Israel allows electricity and fuel, as well as medicines, into the Gaza Strip.

Israel will defend itself from all armed attacks, as any other nation would, according to its inherent right under article 51 of the Charter of the United Nations. Israel has repeatedly pressed the United Nations to denounce all acts of violence and terrorism, and condemn States that aid and abet terrorists groups, which is a violation of their obligations under international law, in particular Security Council resolution 1373 (2001), among other resolutions. Yet the violence and support for terrorism continues unabated.

08-22160 (E) 310108

My delegation fully believes that responsible members of the international community can play a constructive role by supporting the bilateral process between Israel and the Palestinian Authority. This means, however, taking a balanced approach to the conflict and not a one-sided stance on the issues, as the statement of the Movement of Non-Aligned Countries unfortunately reflects. Indeed, we saw the harmful effects of one-sided rhetoric in the recent resolution adopted by the Human Rights Council in Geneva. Clearly, such initiatives do not benefit peace and threaten the possibility for reconciliation and agreement between the two sides.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 17 and 18, of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative